

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE OSG SECURITIES LITIGATION)
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) No. 1: 12-cv-07948-SAS (KNF)
) ECF Case
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MOTION TO DISMISS OF ERNST & YOUNG LLP

Defendant Ernst & Young LLP (“E&Y”), by and through its attorney, hereby moves this Court, pursuant to Fed. R. Civ. P. 12(b)(6), to dismiss the Consolidated Amended Complaint for Violations of the Federal Securities Laws (“CAC”) filed by plaintiffs Stichting Pensioenfonds DSM Nederland, Indiana Treasurer of State, and Lloyd Crawford (collectively, “Plaintiffs”). In support of this Motion, E&Y submits its Memorandum in Support, filed concurrently herewith.

E&Y also certifies, pursuant to Rule IV(B) of Judge Scheindlin’s Individual Rules of Practice, that E&Y has sent Plaintiffs a letter discussing the basis for E&Y’s current motion. Counsel for E&Y requested a response letter from Plaintiffs. Plaintiffs did not respond to the letter and as a result Plaintiffs and E&Y were unable to resolve the current dispute.

WHEREFORE, for the reasons stated herein and in its Memorandum in Support, E&Y requests that this Court grant its Motion to Dismiss Count I of the CAC against E&Y.

Dated: May 23, 2013

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 23, 2013, I caused a true and correct copy of the foregoing document to be served by electronic filing via the Court's CM/ECF system, on all counsel registered to receive electronic notification.

/s/ Stanley J. Parzen
Attorney for Defendant Ernst & Young LLP